

**From:** Brad Nelson  
**To:** John Smasal - jsmasal; John Loranger  
**CC:** Debbie Mack  
**Sent:** 1/28/2013 3:17:23 PM  
**Subject:** 1834 Grants Pass C2 review  
**Attachments:** POM Resource Guide - Wire posting (3).pdf

Gentleman, Hope you had a great weekend. This issue of heavy writers of CII and other Controlled Substance prescriptions comes up frequently across our trade areas. It is impossible for any of us here in the Home Office or for you as Regional and Market Directors to make a determination of the validity of these prescriptions. The State Boards of Pharmacy grant the Pharmacists professional judgment that can be exercised when the CS RX is presented. We have multiple POMs available to assist the pharmacists in making such decisions. One of the biggest mistakes the Pharmacist make is the belief that they are required to filled a prescription from a prescriber once they have called and established that the prescription was written by the prescriber. This is not true! The pharmacist is still able to refuse to fill a prescription even after contacting the prescriber's office. If they choose to not fill a prescription then they must follow POM 1703 for refusal to fill and fraudulent prescriptions. Pharmacists are encouraged to exercise their professional judgment and refuse to fill prescriptions when they feel a prescription is being written for other than legitimate medical reasons. They are not allowed to blanket refuse prescriptions from a prescribers office, that authority is granted to only the State Medical board who will suspend a prescribers license if they believe the prescriber is a threat to public safety. We are only allowed to evaluated each prescription when it is presented and the legitimacy after communicating with the patient and the prescriber. When the pharmacist still feels that the prescription is not in the best interest of the patient's health then it is within their right to refuse to fill the prescription. The Pharmacist should return the prescription back to the patient and explain the reason that they did not feel comfortable filling the prescription as written.

I have included a resource for the stores to use that has the POMs listed for easy access. The decision to fill or not to fill rests with the individual pharmacists and cannot be mandated by the permit holders.

Digging into patient records without a legitimate investigation launched by a regulatory agency is a breach of our patient's privacy rights. Therefore we cannot run reports on this prescriber without an official request from a regulatory agency or law enforcement. Let me know if you have any questions.

Brad Nelson, RPh,  
Senior Manager, Corporate Compliance  
Health and Wellness Practice Compliance  
Office: 479-277-6339 Fax: 479-277-9679  
[Brad.Nelson@wal-mart.com](mailto:Brad.Nelson@wal-mart.com)

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*The Right Way- Every Day!*  
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Bentonville, AR 72716-0230  
Save Money, Live Better.

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**From:** Debbie Mack  
**Sent:** Friday, January 25, 2013 6:19 PM  
**To:** Brad Nelson  
**Cc:** John Smasal - jsmasal  
**Subject:** FW: 1834 Grants Pass C2 review

PLAINTIFFS TRIAL  
EXHIBIT

**P-14643\_00001**

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P-14643\_00001

Debbie Mack, RPh, CHC

Director, Corporate Compliance

Health and Wellness Practice Compliance

Office: 479-277-0491 Fax: 479-273-8675

[Debbie.Mack@wal-mart.com](mailto:Debbie.Mack@wal-mart.com)

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**From:** John Smasal - jsmasal

**Sent:** Friday, January 25, 2013 4:50 PM

**To:** Debbie Mack

**Cc:** Kathy Stowe; John Loranger; John Smasal - jsmasal

**Subject:** FW: 1834 Grants Pass C2 review

This is one of the 2 stores that we had concerns about the quantity of C2 prescriptions being processed. Can some analysis be done to get an understanding of the number of CS prescriptions coming from this doctor? Perhaps Kathy Stowe could help us run some reports? If the pharmacists are feeling uncomfortable with this doctors prescribing habits I will ask for your advice on how to best handle.

John Smasal RPh

Region 60 Health and Wellness Director

816-719-1840

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**From:** John Loranger

**Sent:** Friday, January 25, 2013 2:23 PM

**To:** John Smasal - jsmasal

**Subject:** FW: 1834 Grants Pass C2 review

Good Afternoon Mr. Smasal,

The Grants Pass RX is insisting that Dr. Linda Picker-Johnson DEA#MP1827786 is like a revolving door of scripts. They are establishing patient/prescriber relationships and they all seem to meet the requirements. It's just the volume of narcotic scripts that come from this office that is astonishing.

Should we send this to regulatory affairs? The team feels this prescriber is not being responsible and possibly involved in diversion activity.

John

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**From:** John Loranger

**Sent:** Wednesday, October 31, 2012 10:04 AM

**To:** John Smasal - jsmasal

**Subject:** 1834 Grants Pass C2 review

John,

My findings at 1834 Grants Pass are below. I conducted this review on 10-30-12 at 7:00 am.

All Rph's are using the PMP website for all Oxy 30's and any other prescription fills that they deem necessary based on the judgment. They are noting there finding on the prescription and in

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the patient notes as well.

I ran the drug movement report for the Oxy 30's for the last 60 days and verified that the policy is being followed. I also had the RX Manager and the staff Pharmacist show me how they use the PMP website. We also went thru POM 1311 in detail and they fully understand the expectations.

I verified the accuracy of various C2 drugs to the log book and the connexus. Everything matches.

I also spoke with the APA Tia Abey(APM is on vacation) and she has no concerns at all. She is familiar with the term "pill mills", and doesn't witness any questionable activity in or around the rx.

I also reviewed three full books of C2 prescriptions that were recently filled. These 3 books were chosen randomly. 299 of them were from local prescribers for local patients. There was one prescriber from Southern California, listed below, but the patient lives in Grants Pass.

In speaking to the RX staff they do have concerns about the prescribing practices of a few doctors.

PA-Scott Swindell GP Medical Clinic on Hawthorne. Writes for large quantities. Something doesn't seem right.

Dzung Pham, D.O. from Irvine California writes for one patient 10/325 Percocet every 30 days 120 quantity. Patient lives in GP.

**Linda Picker Johnson also seems to write for a lot of pain medications.**

Mary Huebner, George Johnston, Nancy Clark, Emily Rogers, and Joseph Savino-mostly pain specialist.

The staff would agree that they do fill a lot of C2 medications, but there is no concern of lack of professional discretion.

John Loranger  
Market H & W Director  
Grants Pass, Oregon  
479-426-6915 cell  
541-471-1353 office

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**POM Resource Guide**

There are several POMs where the topic of Professional Judgment, Doctor /Patient relationships and forged or fraudulent prescriptions is addressed **Please refer to the POM's on the wire for the complete information associated with each POM**

**POM 203 – Pharmacists Responsibility**

- This POM recognizes the Pharmacist's ability to exercise their professional Judgment throughout the course of the prescription filling process. Professional judgment must focus on the responsibility the Pharmacist has for the Patient, Healthcare providers and to Walmart

**Comment [bwn1]:** [http://wireportal.walmart.com/wps/myportal/Search?WCM\\_GLOBAL\\_CO NTEXT=/wps/wcm/myconnect/Wire\\_US\\_Active/Link ed\\_Content/Linked/en\\_US\\_09010aff80047037\\_A\\_p om0203.pdf](http://wireportal.walmart.com/wps/myportal/Search?WCM_GLOBAL_CO NTEXT=/wps/wcm/myconnect/Wire_US_Active/Link ed_Content/Linked/en_US_09010aff80047037_A_p om0203.pdf)

**POM 1311 – Proper Prescriber- Patient relationship**

- This POM describes the uniform national policy that is designed to meet or exceed federal rules and the laws of the states which defines the elements of a proper prescriber/patient relationship

**Comment [bwn2]:** [http://wireportal.walmart.com/wps/myportal/Search?WCM\\_GLOBAL\\_CO NTEXT=/wps/wcm/myconnect/Wire\\_US\\_Active/Link ed\\_Content/Linked/en\\_US\\_09010aff80cdd53\\_A\\_p om1311.pdf](http://wireportal.walmart.com/wps/myportal/Search?WCM_GLOBAL_CO NTEXT=/wps/wcm/myconnect/Wire_US_Active/Link ed_Content/Linked/en_US_09010aff80cdd53_A_p om1311.pdf)

**POM 1316 – Prescription monitoring programs**

- Many states allow prescribers and pharmacists restricted access to PMP data for use in the exercise of their professional judgment to monitor prescriptions for inappropriate use/abuse. Where states permit access to pharmacists, Walmart currently provides Walmart and Sam's Club pharmacists with a mechanism to access PMP databases.
- Links to State PMP sites are provided in this POM

**Comment [bwn3]:** [http://wireportal.walmart.com/wps/myportal/Search?WCM\\_GLOBAL\\_CO NTEXT=/wps/wcm/myconnect/Wire\\_US\\_Active/Port al\\_Content/Knowledge\\_Center/Business\\_Support/ Professional\\_Services/Controlled\\_Substances\\_Dive rsion/en\\_US\\_09010aff80fd7a6\\_A\\_pom\\_update\\_no tice.htm](http://wireportal.walmart.com/wps/myportal/Search?WCM_GLOBAL_CO NTEXT=/wps/wcm/myconnect/Wire_US_Active/Port al_Content/Knowledge_Center/Business_Support/ Professional_Services/Controlled_Substances_Dive rsion/en_US_09010aff80fd7a6_A_pom_update_no tice.htm)

**POM 1317- Out of state prescribers**

- This POM has state specific information to aid in making the decision to fill or deny a controlled substance prescription from an out of state prescriber.

**Comment [bwn4]:** [http://wireportal.walmart.com/wps/myportal/Search?WCM\\_GLOBAL\\_CO NTEXT=/wps/wcm/myconnect/Wire\\_US\\_Active/Link ed\\_Content/Linked/en\\_US\\_09010aff8118d060\\_A\\_p om1317.pdf](http://wireportal.walmart.com/wps/myportal/Search?WCM_GLOBAL_CO NTEXT=/wps/wcm/myconnect/Wire_US_Active/Link ed_Content/Linked/en_US_09010aff8118d060_A_p om1317.pdf)

**POM 1319 – Prescriber Information**

- This POM outlines the responsibility of the Pharmacist to ensure that the prescription contains the necessary information required by the DEA to be a valid prescription

**Comment [bwn5]:** [http://wireportal.walmart.com/wps/myportal/Search?WCM\\_GLOBAL\\_CO NTEXT=/wps/wcm/myconnect/Wire\\_US\\_Active/Link ed\\_Content/Linked/en\\_US\\_09010aff8118d089\\_A\\_p om1319.pdf](http://wireportal.walmart.com/wps/myportal/Search?WCM_GLOBAL_CO NTEXT=/wps/wcm/myconnect/Wire_US_Active/Link ed_Content/Linked/en_US_09010aff8118d089_A_p om1319.pdf)



POM 1703 – Forged or Fraudulent Prescription Procedures


- This POM provides guidance on how to identify and handle forged or fraudulent prescriptions in order to comply with State and Federal requirements
- Details the reporting requirements for Refusal to fill or Fraudulent prescriptions via the Refusal to Fill or Fraudulent Prescription Report
- **Knowingly dispensing** a forged or altered prescription is **illegal**. Any request or direction from law enforcement to fill a forged or altered prescription must be refused. Filling a forged or altered prescription even at the direction of law enforcement is not permitted, and law enforcement “sting operations” or similar activities aimed at catching a suspect in the act may threaten the safety of patients and associates

**Comment [bwn6]:** [http://wireportal.wal-mart.com/wps/myportal/Search?WCM\\_GLOBAL\\_CO NTEXT=/wps/wcm/myconnect/Wire\\_US\\_Active/Link ed\\_Content/Linked/en\\_US\\_09010aff80230dccc\\_A\\_p om1703.pdf](http://wireportal.wal-mart.com/wps/myportal/Search?WCM_GLOBAL_CO NTEXT=/wps/wcm/myconnect/Wire_US_Active/Link ed_Content/Linked/en_US_09010aff80230dccc_A_p om1703.pdf)

**Comment [bwn7]:** [http://wireportal.wal-mart.com/wps/myportal/Search?WCM\\_GLOBAL\\_CO NTEXT=/wps/wcm/myconnect/Wire\\_US\\_Active/Link ed\\_Content/Linked/en\\_US\\_09010aff80230dccc\\_A\\_p om1703.pdf](http://wireportal.wal-mart.com/wps/myportal/Search?WCM_GLOBAL_CO NTEXT=/wps/wcm/myconnect/Wire_US_Active/Link ed_Content/Linked/en_US_09010aff80230dccc_A_p om1703.pdf)

DEA Enforcement Administration Pharmacist Manual

- Pharmacist guide to Prescription Fraud

  
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